S.B. CIVIL WRIT PETITION NO.982/2005

Hari Prakash. Vs. Civil Judge (JD), Vijaynagar & anr.

Date : 17.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Kishan Bansal, for the petitioner.

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Heard learned counsel for the petitioner.

This Court is not inclined to interfere in the order dated 29.11.2004 by which the trial court recorded the statements of witnesses of the plaintiff and the petitioner could not cross examine the witness as the advocates were on strike on that day.

Whether there was sufficient cause for giving opportunity to the petitioner, can very well be examined by the court below on application, if, submitted by the petitioner for permitting him to recall the witness for the purpose of cross examination. If there is just and proper ground to the satisfaction of the court below, the court below may pass appropriate order for recalling of the witness.

Whether there was any cause or not can be examined by the courts, trial court and appellate court, as the case may be, in the facts of this case.

This Court is not inclined to interfere in the impugned order, while exercising writ jurisdiction.

In view of the above, this writ petition having no merit, is hereby dismissed.

However, the petitioner shall be at liberty to challenge the impugned order in appeal, if any occasion arises.

(PRAKASH TATIA), J.

S.Phophaliya